

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

Cellco Partnership d/b/a Verizon Wireless *et al,*

Defendants and Counterclaimant-Plaintiffs.

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

T-MOBILE USA, INC *et al,*

Defendants and Counterclaimant-Plaintiffs.

HEADWATER RESEARCH LLC,

Plaintiff and Counterclaim-Defendant,

v.

AT&T SERVICES, INC. *et al*

Defendants and Counterclaimant-Plaintiffs.

Case No. 2:25-cv-00391-JRG-RSP

(Lead Case)

Case No. 2:25-cv-00359-JRG-RSP

(Member Case)

Case No. 2:25-cv-00428-JRG-RSP

(Member Case)

HEADWATER'S ANSWER TO T-MOBILE's COUNTERCLAIMS

Plaintiff and Counterclaim-Defendant Headwater Research LLC ("Headwater") hereby answers Defendants and Counterclaimant-Plaintiffs' T-Mobile USA, Inc. and Sprint LLC (collectively, "T-Mobile" or "Defendants and Counterclaim-Plaintiff"), counterclaims as follows:

THE PARTIES

1. Headwater does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and on that basis: denied.
2. Admitted.
3. Admit that Headwater is the owner and assignee of U.S. Patent Nos. 8,023,425 (“425 Patent”), 8,631,102 (“102 Patent”), and 8,799,451 (“451 Patent”) (collectively, the “Asserted Patents”).

JURISDICTION AND VENUE

4. Admitted.
5. Admitted.
6. Admitted.
7. Headwater admits that it has sued T-Mobile for infringement of the Asserted Patents and that there is a substantial, actual, and continuing controversy between Headwater and T-Mobile as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 7.

NATURE OF THE ACTION

8. Admitted.
9. Admitted.
10. Admitted.
11. Admit that T-Mobile asserts that the Asserted Patents are invalid, but deny that patents are invalid.
12. Admit that T-Mobile further denies any allegation of infringement of the Asserted Patents, but deny that T-Mobile does not infringe.
13. Headwater admits that it has sued T-Mobile for infringement of the Asserted

Patents and that there is a substantial, actual, and continuing controversy between Headwater and T-Mobile as to the infringement of the asserted patents. Headwater denies the remaining allegations of paragraph 13.

14. Headwater admits T-Mobile seeks a declaratory judgment of non-infringement of the Asserted Patents, but denies that T-Mobile is entitled to the relief it seeks.

15. Headwater admits T-Mobile seeks relief, but denies that T-Mobile is entitled to the relief it seeks.

First Counterclaim
(Declaratory Judgment of Non-Infringement of the '425 Patent)

16. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

17. Admitted.

18. Admitted.

19. Denied.

20. Admitted.

21. Headwater admits T-Mobile seeks relief, but denies that T-Mobile is entitled to the relief it seeks.

Second Counterclaim
(Declaratory Judgment of Non-Infringement of the '102 Patent)

22. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.

23. Admitted.

24. Admitted.

25. Denied.

26. Admitted.
27. Headwater admits T-Mobile seeks relief, but denies that T-Mobile is entitled to the relief it seeks.

Second Counterclaim
(Declaratory Judgment of Non-Infringement of the '451 Patent)

28. Headwater incorporates the preceding paragraphs by reference, as though fully set forth herein.
29. Admitted.
30. Admitted.
31. Denied.
32. Admitted.
33. Headwater admits T-Mobile seeks relief, but denies that T-Mobile is entitled to the relief it seeks.

PRAYER FOR RELIEF

In response to T-Mobile's prayer for relief, Headwater denies that T-Mobile is entitled to any relief, including any of the relief requested in paragraphs A–I of T-Mobile's prayer for relief. Further, Headwater requests the following relief:

WHEREFORE, Headwater respectfully requests that this Court enter:

- a. A judgment in favor of Headwater that T-Mobile has infringed, either directly or indirectly, literally, under the doctrine of equivalents, or otherwise, the Asserted Patents;
- b. A permanent injunction prohibiting T-Mobile from further acts of infringement of the Asserted Patents;
- c. A judgment and order requiring T-Mobile to pay Headwater its damages, enhanced damages, costs, expenses, and pre-judgment and post-judgment interest for T-Mobile's

infringement of the Asserted Patents;

- d. A judgment and order requiring T-Mobile to provide accountings and to pay supplemental damages to Headwater, including without limitation, pre-judgment and post-judgment interest;
- e. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Headwater its reasonable attorneys' fees against T-Mobile; and
- f. Any and all other relief as the Court may deem appropriate and just under the circumstances.

JURY DEMAND

Headwater, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: July 25, 2025

Respectfully submitted,

/s/ Marc Fenster

Marc Fenster
CA State Bar No. 181067
Email: mfenster@raklaw.com
Reza Mirzaie
CA State Bar No. 246953
Email: rmirzaie@raklaw.com
Brian Ledahl
CA State Bar No. 186579
Email: bledahl@raklaw.com
Ben Wang
CA State Bar No. 228712
Email: bwang@raklaw.com
Dale Chang
CA State Bar No. 248657
Email: dchang@raklaw.com
Paul Kroeger
CA State Bar No. 229074
Email: pkroeger@raklaw.com
Neil A. Rubin
CA State Bar No. 250761
Email: nrubin@raklaw.com
Kristopher Davis
CA State Bar No. 329627
Email: kdavis@raklaw.com
James S. Tsuei
CA State Bar No. 285530
Email: jtsuei@raklaw.com
Philip Wang
CA State Bar No. 262239
Email: pwang@raklaw.com
Amy Hayden
CA State Bar No. 287026
Email: ahayden@raklaw.com
Jason M. Wietholter
CA State Bar No. 337139
Email: jwietholter@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474

**ATTORNEYS FOR PLAINTIFF AND
COUNTERCLAIM-DEFENDANT,
Headwater Research LLC**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served on July 25, 2025 with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Marc Fenster
Marc Fenster